

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-1362

AMERISOURCEBERGEN DRUG CORPORATION,  
CARDINAL HEALTH INC.,  
McKESSON CORPORATION and  
GREGORY DONALD CHANEY, M.D.,

Defendants.

**ORDER**

Pending before the Court is Plaintiff's Motion to Stay Response Deadline to Motions to Dismiss, Motion for Judgment on the Pleadings, and Other Pending Case Management Deadlines (ECF No. 22). Defendant Cardinal Health, Inc. and Defendant AmerisourceBergen Drug Corp. filed motions to dismiss (ECF Nos. 13, 15) on March 2, 2017, making responses due on March 16, 2017. Defendant McKesson Corp. filed a motion for judgment on the pleadings (ECF No. 20) on March 15, 2017 as well. This case was removed from state court on February 23, 2017 by Defendants. Plaintiff recently filed a timely Motion for Remand (ECF No. 18) based on lack of federal jurisdiction.

The Court agrees that all deadlines relating to the Motions to Dismiss (ECF No. 13, 15), Motion for Judgment on the Pleadings (ECF No. 20), and the Rule 26(f) meeting and report (ECF No. 3) should be stayed until the resolution of the Motion to Remand. This Court will resolve the motion to remand before considering the merits of the case brought by the motions to dismiss and

for judgment on the pleadings. Therefore, the Court **GRANTS** Plaintiff's Motion (ECF No. 22), **STAYS** all deadlines pertaining to the pending motions to dismiss (ECF No. 13, 15) and motion for judgment on the pleadings (ECF No. 20), and **STAYS** deadlines set by this Court for the Rule 26(f) meeting (ECF No. 3). The Court **DIRECTS** parties to respond and reply to Plaintiff's Motion to Remand (ECF No. 18) as directed by the federal rules. The Court will reset deadlines for responses and replies for the other pending motions, if necessary, after resolution of Plaintiff's motion.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: March 16, 2017

  
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ROBERT C. CHAMBERS, CHIEF JUDGE